

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JEAN JONES,	§	
	§	
PLAINTIFF	§	CASE NUMBER: 1:16-cv-00572-RP
	§	
v.	§	
	§	
PORTFOLIO RECOVERY ASSOCIATES,	§	Honorable Robert Pittman
LLC, and WESTERN SURETY CO.,	§	
	§	
DEFENDANTS.	§	

**DECLARATION OF AMY CLARK
IN SUPPORT OF THE APPLICATION FOR FEES**

I, Amy Clark, declare as follows:

1. My name is Amy E. Clark. I am the owner/attorney for Amy Clark Law and I submit this declaration in support of my firm's application for attorney's fees in this matter. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

2. I became licensed to practice law in the State of California in October of 2002 and in 2004 I became licensed in the State of Texas. I am a member of the bar of the United States Court of Appeals for the Fifth and Ninth Circuits, as well as a member in good standing of the Western District of Texas, Eastern District of Texas, Southern District of Texas and Northern District of Texas.

3. Since June 24, 2019, I have been an attorney and manager of the consumer law team at Texas RioGrande Legal Aid. Texas RioGrande Legal Aid (TRLA) is a

nonprofit agency that specializes in providing free civil legal services to the poor in a 68-county service area. TRLA is the largest legal aid provider in Texas and the third largest in the United States. In 2018, approximately 1600 Texans requested assistance in Consumer Law issues such as are handled by the team I manage.

4. In April of 2010, I opened Amy Clark Law, fka Hill Country Consumer Law, in Austin, Texas. Previously, I was a solo attorney from 2006-2012 in the San Gabriel Valley of California. I focus on litigating consumer cases in state and federal court. I exclusively represent consumers. Since around the time the firm began, I have been representing consumers in Fair Debt Collection Practices Act claims and other debt collection issues. From 2002 – 2006, I worked at law firms in Los Angeles, learning litigation and conduction approximately 110 depositions and appearing at approximately 120 contested hearings and bench trials.

5. Amy Clark Law worked almost exclusively on a contingency basis, other than for debt defense cases, which were charged on a flat-fee basis of \$900 - \$2200 depending in part on if the case was filed in Justice Court or higher level state courts.

6. Attached are my hours, with administrative and travel time as well as costs edited out. In total, I am billing 21.8 hours in the prosecution of this case. Besides the time cut on the attached sheet showing my time records, I purposely did not bill for time spent reviewing emails and documents written by my co-counsel unless I was editing them or giving comments. A conservative estimate for the unbilled time would be for approximately 5.5 hours of communications between co-counsel, review of records and the creation of this declaration, communications with local attorneys for their supporting declarations, and the discussions with my client, Ms. Jones.

7. The hours in my time records were actually expended on the topics stated; indeed most were spent in preparation for trial and in trial.

8. My current hourly rate is \$400.00 for work that I do in federal court, so my fees total \$8,720.00.

9. This rate is justified by my experience, the nature and complexity of the cases, and the relative risk involved in consumer cases.

10. My previous hourly rate for federal court of \$330.00/hour was approved in March, 2013 for a FDCPA case litigated from 2010 - 2012, *Gene Martignetti v. Robert L. Bachman*, Case 2:10-cv-00548-DMG-AN, Central District of California.

11. My increase to \$400/hour is justified based on my increased experience, knowledge, and skill level as well as the increased difficulty of litigating a jury trial on a collection practices case, in particular one that involved no phone harassment.

12. Based on my experience and work co-counseling with other consumer attorneys in Texas, I believe the requested number of hours and my hourly rate to be reasonable and customary for an attorney of my experience and practice area in Austin, Texas.

13. I have been lead counsel in numerous consumer law cases in the state and federal court, and when Amy Clark Law was my main employment, I generally represented approximately forty Central Texas consumers per year on consumer claims including FDCPA, DTPA, TILA, and fraud.

14. Besides this matter, other recent trials I represented clients in a jury trials in Travis County in 2018 (*Zeifman v. Maserati et. al*, CAUSE NO. C-1-CV-13-009985) multiple bench trials. Three bench trials of note in the past year include *Terra Perkins v. Tolteca*

Enterprises Inc. d/b/a The Phoenix Recovery Group, Cause No. C-1-CV-16-006613, a full-day FDCPA and Texas Debt Collection Act Trial in Travis County, *Cedar Park Regional Medical Center v. Brandon and Rita Hagan*, Cause No. 18-1249-CC4, a full-day medical debt trial in Williamson County, and *WEC v. Ashley A Smith*, Cause No. 89,644, a full-day trial involving debt collection and the military lending act in Bell County that is currently on appeal.

15. In February 2012, I was lead counsel on the first jury trial in recent years against a debt settlement company, *Ramos v. Debt Resolution Center, et. Al.*, Case No. 30-2010-00415775 in California State Court in Orange County, California. The case settled pre-verdict.

16. I am regularly asked to speak regarding consumer issues on the national level. For example, I recently spoke at the 2019 National Consumer Law Center Consumer Rights conference regarding litigating medical debt issues on behalf of consumers. I have also spoken in 2012, 2014, 2016 and 2018, at the National Association of Consumer Attorneys bi-annual auto-fraud conference. In 2016, I was a co-presenter at the Texas Consumer and Commercial Law Section's two-day Advanced training, where I presented on Telephone Consumer Protection Act claims, focusing on class actions and the impact of on the impact of *Spokeo* at that time.

17. I am the author of multiple articles published in the ABA GP|Solo Magazine, including "The Lie Behind Foreclosure Rescue" in 2010, "Educating Your Client" in 2008, as well as the frequently re-printed article, "Work Life Balance 101" originally published in the Young Lawyers' Division Newsletter in 2007.

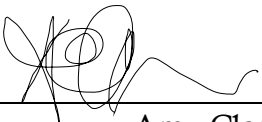
18. Additionally, I have been interviewed on consumer rights regarding toll road billing on Fox News in 2014 and utility billing practices by KEYE TV (CBS) in Austin,

Texas in 2011. I was the featured attorney on the 2007 ABC News Special, “The High Cost of Debt” on KABC, and was also interviewed for the 2007 KABC news story on foreclosure rescue scams. I have also been cited by numerous print and blog articles, including a 2014 New York Times article on GPS/ignition stop gadgets installed in vehicles and a 2014 Huffington Post on debt lawsuits. I have also been quoted in the past on suing debt settlement scams, and I was featured on Patt Morrison’s NPR show focusing on bankruptcy in 2008.

19. Currently I am managing multiple attorneys at Texas RioGrande Legal Aid in both debt collection and fraud cases in state and federal court as well as managing the bankruptcy cases. Under my direction, my team both creates and edits educational materials for consumer areas as well as represents clients directly with both legal advice and representation for negotiating settlements and litigating cases to trial.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: April 6, 2020



Amy Clark